

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-cv-387-RJC-DCK**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**CapitalStreet Financial, LLC,
Sean F. Mescall,**

Defendants,

and

**Gerald T. Mescall,
and Gaincapital, Inc.,**

Relief Defendants.


**ORDER GRANTING RECEIVER'S MOTION FOR AUTHORITY TO RETAIN
BROKERS AND TO LIQUIDATE CERTAIN PROPERTY FREE AND CLEAR OF
LIENS AND ENCUMBRANCES AND TO DEPOSIT NET PROCEEDS IN
RECEIVERSHIP BANK ACCOUNT**

This matter came before the Court on the Receiver's Motion for Authority to Retain Brokers and to Liquidate Certain Property Free And Clear Of Liens and Encumbrances and to Deposit Net Proceeds in Receivership Bank Account (the "Motion") (Doc. No. 24) filed on behalf of Joseph W. Grier, III, the receiver in this action (the "Receiver"), through counsel. The Receiver served a copy of the Motion on the Investors via email on December 9, 2009. As stated in the Court's Order establishing the case procedures, the Investors had ten calendar days in which to file a written objection to the Motion. (Doc. No. 22). The Court, having reviewed the Motion and the record in

this case, and there being no objections filed thereto, has determined that the Motion should be allowed.

IT IS, THEREFORE, ORDERED that Joseph W. Grier, III, the Receiver herein, is authorized to retain brokers and liquidate the Personal Property described in the Motion free and clear of any liens or encumbrances without further order of the Court; to execute any documents or agreements necessary to such liquidation including North Carolina Certificates of Title in the names of Defendants and Relief Defendants; to pay any costs or fees associated with the liquidation of the Personal Property; and to deposit the net proceeds in the Receivership Estate bank account.

Signed: January 6, 2010


Robert J. Conrad, Jr.
Chief United States District Judge

